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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/831,301	05/08/01	KILLICK	R 038441/0104

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HM12/0730

EXAMINER
FRYOR, A

ART UNIT	PAPER NUMBER
1616	3

DATE MAILED: 07/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/831,301

Applicant(s)
Killick et al

Examiner
Alton Pryor

Art Unit
1616



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 15, 16, 18-20, 22, 24, 27-32, 39, and 40 is/are rejected.
- 7) ☒ Claim(s) 5-10, 12-14, 17, 21, 23, 25, 26, 34-38, and 41-45 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

L1 ANSWER 1 OF 2 CAPLUS COPYRIGHT 2003 ACS
AN 1983:528154 CAPLUS
DN 99:128154
TI Shampoos containing hydroxypropyl guar gum
PA Procter and Gamble Co., USA
SO Jpn. Kokai Tokkyo Koho, 9 pp.
CODEN: JKXXAF
DT Patent
LA Japanese
FAN.CNT 2

	PATENT NO.	KIND	DATE	APPLICATION NO.	DATE
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PI	JP 58023898	A2	19830212	JP 1982-68569	19820423 <--
PRAI	US 1981-256873		19810424		

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L1 ANSWER 1 OF 2 CAPLUS COPYRIGHT 2003 ACS
AB Shampoos contain 2-hydroxypropyl guar gum ether [39421-75-5] 0.1-1.5, C1-4 alcs. 0.5-20.0, surfactants 10-50, electrolytes 0.7-7.0, and water 50-95%. These are stable, transparent, and hair-conditioning solns. Thus, a shampoo contains coconut diethanolamide 3.5, 2-hydroxypropyl guar gum 0.7, Na lauryl sulfate [151-21-3] 16.63, ammonium lauryl sulfate [2235-54-3] 33.5, perfume 1.0, EtOH 3.0, Kathon CG 0.03, NaH2PO4 0.32, NaCl 0.2 and water to 100%.

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Duplicate Claim Warning

Applicant is advised that should claim 1 be found allowable, claim 30 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejection under 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 11, 15, 16, 18-20, 22, 24, 27-32, 39, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saphakkul (US 4964874; 10/23/90) and JP 58023898; 2/12/83).

Saphakkul discloses a hair treatment composition comprising a fatty alcohol (lipophilic solvent) plus as 12-22C alkyl quat. ammonium chloride (cationic emulsifier). See entire reference. Saphakkul does not teach the composition comprising ammonium chloride (lipophilic plant nutrient). However, JP '898 teaches a hair treatment composition comprising ammonium chloride. See abstract. It would have been obvious to one having ordinary skill in the art to combine compositions. One would have been motivated to do this because both prior art compositions are individually taught to be used to treat hair.

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Claim Objection / Allowable Subject Matter

Claims 5-10,12-14,17,21,23,25,26,34-38,41-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not suggest a composition comprising the limitations of these claims. Claim 33 is allowable. The prior art does not suggest or teach a method of treating vegetation comprising applying to said vegetation a composition comprising a lipophilic solvent, lipophilic plant nutrient, and cationic emulsifier.

Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton Pryor whose telephone number is (703) 308-4691. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached on (703) 308-4628. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.



Alton Pryor

Patent Examiner, AU 1616

7/28/01